



The Gazette of Meghalaya
EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 183

Shillong, Tuesday, August 8, 2023

17th Shravana, 1945 (S. E.)

PART-IIA

GOVERNMENT OF MEGHALAYA
DISTRICT COUNCIL AFFAIRS DEPARTMENT

NOTIFICATION

The 3rd May, 2023.

No.DC/L/VII/4/2005-2023/40/94.—In pursuance of Paragraph 11 of the Sixth Schedule to the Constitution of India, the following Amendment Act of the Khasi Hills Autonomous District Council is hereby published for general information:-

THE KHASI HILLS AUTONOMOUS DISTRICT (ESTABLISHMENT, MANAGEMENT AND CONTROL OF MARKETS) (SECOND AMENDMENT) REGULATION, ACT 2021.

(Passed by the Khasi Hills Autonomous District Council on the 2nd March, 2021)

(Received the assent of the Governor on 26th July, 2023)

(Published in the Gazette of Meghalaya Extraordinary issue dated 8th August, 2023)

AN

ACT

to further amend the Khasi Hills District (Establishment, Management and Control of Markets) Regulation, 1979 herein-after referred to as the 'Principal Regulation' in the manner here-in appearing.

It is hereby enacted by the Khasi Hills Autonomous District Council in the Seventy-Second year of the Republic of India as follows:-

1. **Short title, Extent and Commencement:-**

- (i) This Regulation may be called The Khasi Hills Autonomous District (Establishment, Management and Control of Markets) (Second Amendment) Regulation, 2021.
- (ii) It shall apply to the whole of the Khasi Hills Autonomous District.
- (iii) It shall come into force at once.

2. All words and expressions shall have the same meaning as defined in the Principal Regulation.

3. **Amendment of Section 2 of the Principal Regulation –**

In Section 2, the following new sub-sections shall be added and inserted in alphabetical order and the existing sub-sections shall be re-numbered accordingly:

“**Agriculturist**” means a person who is engaged in the production of agricultural produce including rearing of livestock by himself or his tenant or by hired labour or otherwise recognized as such, under this Regulation.

“**Agricultural Produce**” includes all produce, whether processed or not, of agriculture, horticulture, apiculture, sericulture, forests (excluding trees grown on private land), specified or declared by the District Council by notification, from time to time.

“**Agricultural Produce and Livestock Marketing Facilitation Sub-Committee**” means a committee set up under the provisions of this Regulation.

“**Buyer**” means a person, who himself or itself or on behalf of any person or agent buys or agrees to buy agricultural produce including livestock, in the market.

“**Farmer Consumer Market Area**” means an area identified under the provisions of this Regulation, where sale or purchase of Agricultural Produce and Livestock is being transacted.

“**Livestock**” means cows, buffaloes, bullocks, bulls, goats and sheep, and includes poultry, fish and such other animals and products thereof.

“**Market Management Committee**” means a Committee duly constituted by the management for the purpose of managing the market under the provisions of this Regulation.

“**Seller**” means a person who sells or agrees to sell agricultural produce including livestock, for a considered price.

“**Trader**” means a person who buys notified agricultural produce including livestock, either for himself or as an agent of one or more persons for the purpose of selling, processing, manufacturing or for any other purpose, as the case may be, except for the purpose of domestic consumption.

4. **Amendment of Section 5 of the Principal Regulation:**

After the existing Section 5, new Sections 5(A), 5(B) and 5(C) shall be added as follows viz.,:-

“**5(A) Power of the Executive Committee to declare any area as a Market:** (1) If the Executive Committee after due examination, is of the opinion that there are areas where people assemble either daily or weekly or bi-weekly for the sale or purchase of commodities, it may declare such an area as a market.

(2) The Executive Committee after declaring such area as a market, shall instruct the Dorbar Shnong concerned to constitute a Market Management Committee within a period of 90 (ninety) days from the date of receipt of such instruction and the Dorbar Shnong concerned shall report such constitution to the concerned officer authorized by the Executive Committee under Section 5 of the Principal Regulation, to recognize and approve the duly constituted Market Management Committee.

5(B) (1) Agricultural Produce and Livestock Marketing Facilitation Sub-Committee:

(i) There shall be a Sub-Committee known as Agricultural Produce and Livestock Marketing Facilitation Sub-Committee which is a subordinate Committee under the Market Management Committee comprising of the Chairman, Vice-Chairman, Secretary and other Members, constituted by the concerned Market Management Committee and duly approved by the Market Department of the Khasi Hills Autonomous District Council.

(ii) The Chairman, Vice-Chairman, Secretary and other Members of the Agricultural Produce and Livestock Marketing Facilitation Sub-Committee shall be elected or nominated by the agriculturists, buyers, sellers and traders in the market, from amongst themselves. The Chairman and Secretary of the concerned Market Management Committee shall be ex-officio members of this Sub-Committee.

(iii) The election or nomination of the above mentioned members may be conducted by the Chairman and Secretary of the concerned Market Management Committee at a meeting convened specifically for the purpose, with intimation to the Executive Committee.

(iv) The tenure of the office bearer shall be three years and the member can be re-elected or re-nominated.

(v) The members of the Sub-Committee may be removed before the completion of their term, if they have lost the confidence of the majority of the electors.

(vi) The members may resign from office at any time, in writing addressed to the Chairman of the concerned Market Management Committee. During the vacancy caused by the resignation, death, removal or otherwise of a member, the Chairman and Secretary of the concerned Market Management Committee shall, within a period of 60 (sixty) days convene a special meeting for the purpose of electing and nominating a member to the vacant post.

(vii) After every re-constitution of the Sub-Committee, there shall be a proper handing and taking over charge of office within a period of 10 (ten) days, in the presence of witnesses of the concerned Market Management Committee.

(viii) The Sub-Committee shall frame its own Rules relating to the conduct of business, powers and duties of the office-bearers. The same shall be forwarded to the Market Department of the Khasi Hills Autonomous District Council for approval and until such approval, it shall not come into effect.

(2) Powers and Functions of the Agricultural Produce and Livestock Marketing Facilitation Sub-Committee:

(i) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee shall enforce the Acts, Rules or Regulations, Bye-Laws, etc., relating to the marketing of agricultural produce and livestock, enacted and notified by the District Council, from time to time.

- (ii) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee shall ensure that all the legal rights and privileges of the farmers relating to the marketing of agricultural produce and livestock are honoured.
- (iii) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee shall take measures for the prevention of purchase and sale of commodities below the minimum support price fixed by the District Council, from time to time.
- (iv) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee shall provide support to and facilitate the marketing of the agricultural produce and livestock by farmers.
- (v) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee shall maintain and manage the Farmer Consumer Market Area in the interest of the farmers, agriculturists and traders/ buyers.
- (vi) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee shall take steps to prevent adulteration of agricultural produce.
- (vii) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee shall keep a list of the prices of agricultural produce as notified by the District Council from time to time.
- (viii) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee may supervise the auction of agricultural produce and livestock as per the provisions and law laid down by the District Council.
- (ix) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee may provide for the settlement of all disputes between the seller and buyer arising out of any kind of transaction connected to the marketing of agricultural produce and livestock.
- (x) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee shall take steps to lodge a complaint against any person for violating the provisions of this Regulation and any other relevant Act, Rule, Bye-Law, Notification, etc.
- (xi) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee shall take all possible steps to promote and set up public and private partnerships in the management of the agricultural market.
- (xii) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee shall have the power to inspect and verify scales, weights and measurements used in the farmer consumer market area.
- (xiii) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee may arrange to obtain Health Fitness Certificates from a veterinary doctor in respect of livestock that is bought or sold in the market.
- (xiv) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee shall take steps to ensure that in the process of determining the pricing of agricultural produce and livestock between the agriculturalist and the buyer, the right of the farmer is not violated and in no circumstances shall such pricing be below the minimum support price fixed by the District Council.

(xv) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee shall ensure strict implementation and report any violation of the provisions of the United Khasi-Jaintia Hills District (Trading by Non-Tribals) Regulation, 1954 and Rules framed there-under.

(xvi) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee shall ensure that no lump-sum deduction of the weight of the agricultural produce is effected in the farmer consumer market area.

(xvii) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee shall ensure that no market toll by whatever name it is called, be collected from the farmers and agriculturalists for selling their products in the farmer consumer market area.

(xviii) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee may have its own fund.

(xix) The Agricultural Produce and Livestock Marketing Facilitation Sub-Committee shall have the power to collect fees as prescribed by the Executive Committee, from the wholesale buyer, seller and trader.

5(C) Farmer Consumer Market Area: The concerned Market Management Committee after consultation with the Agricultural Produce and Livestock Marketing Facilitation Sub-Committee, may declare or identify any area within the market as a farmer and consumer market area where the sale and purchase of Agricultural Produce and Livestock is transacted.”

5. **Amendment of Section 11(1) of the Principal Regulation** – The “comma” and words “as far as practicable” appearing in between the words “market tolls shall” and “be settled” shall be deleted.

6. **Amendment of Section 16 of the Principal Regulation:**

After the existing Section 16, a new Section 16(A) shall be added as follows:-

“**16(A)** (1) The Market Management Committee shall maintain a register of all the shop owners, stall owners and the name of the lessee of the shop and shall submit a report to the officer duly authorized by the Executive Committee, annually.

(2) The Market Management Committee shall assign a number to each shop or stall as the case may be, within the market.”

7. **Amendment of sub-section (2) of Section 17 of the Principal Regulation** – After sub-section (2), the following proviso shall be inserted as follows:-

“Provided that this clause shall not apply to the market established and recognized under Section 5(A) of the Regulation and to those residential buildings which are already constructed and existed before the market is established and recognized.”

8. **Amendment of Section 17(4) of the Principal Regulation** :- The words ‘One Hundred’ appearing in Section 17(4) shall be substituted by the words “Ten Thousand”.

9. **Amendment of Section 18(1) of the Principal Regulation**:- The entire section 18(1) shall be deleted and substituted as follows:-

“**18(1)** No excisable articles like liquor shall be bought or sold within the market area without valid permission from the Executive Committee and other Competent Authorities. Provided that licensed wine shops which are already in existence but have not obtained permission from the Executive Committee, shall apply for regularization of the permission from the Executive Committee.

(ii) Selling and buying of narcotics like opium, ganja and other psychotropic substances within the market area, shall be strictly prohibited.

(iii) Gambling or any game of chance is prohibited within the market area without a valid Licence from the State Government and the permission of the Executive Committee.”

10. Amendment of Section 18 of the Principal Regulation:-

After the existing Section 18, a new Section 18(A) shall be added as follows:-

“**18(A) (1)** The Executive Committee shall have the power to impose a fine and to remove the members of the Market Management Committee and also to take over the management of the market, if the Committee is found to have violated and contravened any of the provisions of this Regulation.

Provided that no action shall be taken by the Executive Committee until the members of the Market Management Committee are given a chance of being heard.

(2) If any person is found violating and contravening the provisions of this Regulation, the Market Management Committee shall have the power to impose a fine on the violators, evict them and cancel any No Objection Certificate (NOC) issued to them, as the case may be.

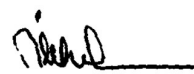
Provided that no action shall be taken by the Market Management Committee without giving such person a chance of being heard.

STATEMENT OF OBJECT AND REASONS

Whereas, it has become expedient to amend The Khasi Hills Autonomous District (Establishment, Management and Control of Markets) Regulation, 1979 to promote and facilitate the marketing of agricultural produce and livestock and also bring more accountability and transparency in the implementation of the regulation;

Hence, this Amendment Act.

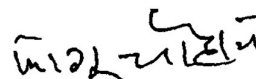
Certified that the above Amendment Act was passed by the Khasi Hills Autonomous District Council on the 2nd March, 2021.



Chairman,
Khasi Hills Autonomous District Council,
Shillong.

No. _____

I assent to this Amendment Bill.



PHAGU CHAUHAN
GOVERNOR OF MEGHALAYA

Dated Shillong,
The 26th July, 2023.